



California Regional Water Quality Control Board Lahontan Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

MINUTES May 21-22, 2003

Regular Meeting

Lahontan Regional Water Quality Control Board
Tahoe City Public Utility District Board Room
221 Fairway Drive
Tahoe City, CA

Chair Eugene Nebeker called the workshop (the Board lacked a quorum) to order at 4:05 p.m. on May 21, 2003. The meeting opened at 4:14 p.m.

BOARD MEMBERS PRESENT

William Betterley, Hesperia
John Brissenden, Hope Valley (arrived at 4:14 p.m.)
Eugene B. Nebeker, Ph.D., Lancaster
Claudette Roberts, Palmdale
Eric Sandel, P.E. Truckee

BOARD MEMBERS ABSENT

Jack Clarke, Apple Valley

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE, Southern Watersheds Division
Chuck Curtis, Supervising WRCE, Planning and Toxics Division
Doug Smith, Senior Engineering Geologist, Lake Tahoe Watershed
Alan Miller, Senior WRCE, Northern Lahontan Rural Watersheds
Richard Booth, Engineering Geologist (Acting Lead), UST/DoD Unit
Jason Churchill, Environmental Scientist, Northern Lahontan Rural Watersheds
Erika Lovejoy, Environmental Scientist, Lake Tahoe Watershed
T. Jerrold Peacock, WRCE, Northern Lahontan Rural Watersheds
Pamela Walker, Administrative Officer
Marietta Christoffersen, Office Technician

ADDRESSING THE BOARD

Dan Sussman, League to Save Lake Tahoe
Michael Derrig, U.S. Forest Service, Lake Tahoe Basin Management Unit
Lars Anderson, U. S. Department of Agriculture (USDA)

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1. Executive Officer's Report

Harold Singer highlighted the following items from the April written report:

- Item No. 1 – Reorganization in the Lake Tahoe Office. The ratio of staff to first line supervisor was adjusted, and the geographical reorganization distributed the watershed workload more equitably.
- Item No. 2 – Lake Tahoe in the News. Partnership provides public education on watershed protection in the Tahoe Basin.
- Item No. 10 – Mojave River/El Mirage Dairy Issues. Releases from the dairy have contaminated groundwater. The extent of the problem and corrective action has not been determined. The dairy owner will work with Board staff to minimize future activities that could impact groundwater.
- Item No. 11 – Los Angeles County Sanitation District No. 14 (Lancaster) Board Meeting Follow-up. The Monitoring Plan proposal is due in August 2003. Waste discharge requirements (WDRs) allow the District one year to implement the proposal and submit the preliminary data along with a draft report. The final report is due in December 2003. An implementation plan for monitoring has been requested. Reviewing it would allow Board staff to: (1) determine if one year is an adequate period of time to complete the work or (2) determine that the work could be completed in a shorter period of time or (3) determine that one year is an inadequate amount of time to complete the work.

Report of Unauthorized Waste Discharges reviewed as follows:

- Los Angeles Department of Water and Power. A spill of treated sewage resulted in a pollution of the Los Angeles Aqueduct. This polluted aqueduct water was not delivered to customers. Due to the significance and cause of the violation an ACL will probably be recommended.
- North Tahoe Public Utility District (NTPUD). A spill of raw sewage into Lake Tahoe occurred and an ACL Complaint was issued. As a result of reviewing additional data submitted by NTPUD, a revised ACL was issued today. The District is expected to waive the hearing.

The following items from the May written report were reviewed as follows:

- Item No. 1 – Status of Initial Filing and Annual Fee Structure and Item # 7 – Administrative Civil Liabilities to be Imposed for Non-Payment of Permit Fees are related and were combined for discussion purposes. Because of the shortfall in the budget, the Governor is proposing that most core regulatory activities be conducted using increased fees instead of general funds. The State Board is determining the new fee structure, although the fee cap has been removed. Uncollected fees from over 200 dischargers statewide total approximately \$800,000. Of the total, Region 6 has 48 dischargers (22%), and \$90,000 (14%) in uncollected fees.
- Bark Beetle Infestation. The forest in the San Bernardino Mountains will soon be dead because of the infestation. The Governor has issued an Executive Order suspending permitting by California Department of Forestry (CDF) for activities on private lands within this emergency. It does not suspend the need to apply for waivers; however, we will not demand that people get waivers from us before work is done. Regional Board staff work closely with CDF staff and maintain good communication. Compliance with waiver provisions will continue to be required of the U.S. Forest Service as they are not subject to the Executive Order.

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- Item No. 5 – Spalding Community Service District, Eagle Lake. The Community Services District received approval for a grant that will help low-income property owners meet the costs of connecting to the new sewer system when it becomes available.

Violation List with Previous 12 Months Violations was discussed as follows:

- Alpine Meadows – Late reporting. The report has since been submitted.
- Heavenly Valley Ski Area – After morning snowmaking operation was completed the lines were drained into a water body, resulting in some erosion. The water was probably chlorinated because it was directly from the municipal water supply. Whether an ACL will be issued or not has yet to be determined.
- City of Barstow – The two major issues are compliance problems with WDRS and pipeline breaks where some of the overflow was discharged to the Mojave River. Enforcement action is a possibility.

Other items discussed:

- Timber Waivers - Those adopted by Regions 1, 5 and 6 have been petitioned to the State Board. The three petitions have been consolidated and a hearing has been scheduled for August 11-13. Region 6 is providing a response to the petition. Board member attendance in support of the January decision is invited.
- Budget – State agencies have been instructed to submit a 10% layoff plan.

The afternoon session of the meeting adjourned at 5:00 p.m.

Regular Meeting, Continued
7:00 p.m., May 21, 2003

Chair Eugene Nebeker called the meeting to order at 7:08 p.m. Board members present: William Betterley, John Brissenden, Eric Sandel and Claudette Roberts.

2. PUBLIC FORUM

No one addressed the Board during the Public Forum.

3. MINUTES

- **Motion:** Moved by Eric Sandel, seconded by William Betterley and **unanimously carried** to adopt the March minutes as proposed.

4. ADOPTION OF THE UNCONTESTED CALENDAR

Item #11 Tahoe Tom's site removed from the list.

Item #12 was removed from the agenda and continued to the next meeting.

- **Motion:** Moved by Eric Sandel, seconded by William Betterley and **unanimously carried** to adopt the Uncontested Calendar as amended.

PLANS AND POLICY

10. *Public Hearing – 1) Certifying a Mitigated Negative Declaration and 2) Resolution Adopting a Waiver of Filing a Report of Waste Discharge and Waiver of Waste*
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Discharge Requirements for Specific Types of Projects Conducted on Lands Administered by the United States Forest Service-Lake Tahoe Basin Management Unit (LTBMU) and authorizing the Executive Officer to enter into a Memorandum of Understanding (MOU) with the LTBMU

Doug Smith, Senior Engineering Geologist, gave the staff presentation and discussed three project types the proposed waiver would cover as follows:

- Water quality improvement projects in sensitive lands
- Specific projects with little land disturbance in sensitive lands
- Any other project with no disturbance in sensitive lands

Michael Derrig, U.S. Forest Service, discussed the streamlining effect the proposed waiver would have on various water quality projects.

Mr. Smith outlined substantive changes in the proposed “draft” MOU distributed to Board members at the meeting.

- **Motion:** Moved by Claudette Roberts, seconded by Eric Sandel and **unanimously carried** to certify a Mitigated Negative Declaration.
- **Motion:** Moved by Claudette Roberts, seconded by Eric Sandel and **carried** to adopt a Resolution granting waivers for these projects and authorizing the Executive Officer to enter into an MOU with the LTBMU specifying the project types covered under the waivers and the project review process.

John Brissenden was opposed.

OTHER BUSINESS

13. Discussion of the Spread of Eurasian Watermilfoil at Lake Tahoe and a Proposal by Dr. Lars Anderson for a Pilot-scale Study Involving Aquatic Herbicide Use Within a Portion of the Tahoe Keys to Manage Eurasian Watermilfoil

Jason Churchill, Environmental Scientist, gave the staff presentation and discussed the following:

- Background on Eurasian Watermilfoil and the problem at Lake Tahoe
- Basin Plan pesticide provisions
- Statewide Aquatic Pesticides General Permit
- Notice of Exclusion issued by the Executive Officer as a result of the same type of proposal from the Tahoe Keys Property Owners Association brought to the Board in January 2002
- Brief summary of the proposal
- Threat to beneficial uses posed by the invasive weed vs. concerns raised by putting chemicals into the water.

Mr. Churchill answered questions from Board members.

Lars Anderson, USDA, Agricultural Research Service, Exotic and Invasive Weed Research, U.C. Davis detailed the current harvesting method which generates thousands

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of viable fragments that are dispersed in Lake Tahoe, which in turn increase harvesting costs. His discussion included:

- Potential impacts include recreational activities, displacement of native species, and decreased water clarity and quality
- Objectives of pilot research
- Schedule for work
- Summary of proposed herbicide uses

Dr. Anderson answered questions from Board members and stated he would request manufacturer information on the various herbicides under consideration. Study results will be requested where the same herbicides were used in lakes in the northeast.

Daniel Sussman, League to Save Lake Tahoe expressed the League's opposition to multiple applications of herbicides, in effect dumping poisons, in Lake Tahoe for the management, not eradication, of a weed population. He asked the Board to consider the long-term implication of this precedent setting proposal since Lake Tahoe is designated an "Outstanding National Resource Water" and as such deserves all the protection garnered under that designation.

Mr. Sussman answered questions from Board members.

Mr. Singer asked for a written summary of Mr. Sussman's comments prior to the next Board meeting when this proposal, either to retain the Notice of Exclusion or withdraw it from this project under specific conditions, would be considered by the Board.

14. Reports by Chair and Board Members

Mr. Brissenden plans to obtain information about Assemblyman Machado's Bond Act Proposal of 2004, which includes \$90,000,000 for the Lahontan Region.

Mr. Sandel feels that the Ombudsman access at Region 6's website has helped eliminate some problems with individuals who interact with the Board.

Eugene Nebeker distributed a newspaper article that discussed the difficulties Lake Arrowhead Community Services District is facing.

Dr. Nebeker related information from the June Chair's meeting.

15. CLOSED SESSION

Board members met in closed session on May 21, 2003 from 9:50 p.m. to 10:35 p.m. to discuss item c, f and l. Authority: Government Code Section 11126(e)(2)(c)(I).

The Board reconvened in open session at 10:36 pm. With no further business to come before the Lahontan Regional Board, the meeting adjourned.

Prepared by: _____ Adopted: September 10, 2003
Pam Walker, Administrative Officer

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